IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20181 of 2004

Between:

M/s. Nadimane Hotels (P) Limited, 88, S.D. Road, Secunderabad-500 003
rep by Director, Mr. B. Hari Rao

..... PETITIONER

AND

1 The Commercial Tax Officer, Market Street Circle, Secunderabad
2 The Deputy Commissioner (CT) Secunderabad Division, Hyderabad
3 The Additional Commissioner (CT) Legal Andhra Pradesh, Nampally,

Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate Writ or order or direction quashing the order of 3rd respondent in CCT's Ref: L.III(1)/1866/04 dated 15-10-2004 as illegal and arbitrary and consequently restrain the 1st respondent from taking any coercive Steps for recovery of the balance disputed tax of Rs. 3,40,654/- & Rs. 2,27,325/- for the assessment years 1998-99&1999-2000 respectively pending disposal of the appeal filed by the petitioner before the sale Tax Appellate Tribunal

Counsel for the Petitioner: MR.S.DWARAKANATH

Counsel for the Respondent Nos.1 to 3: GP FOR COMMERCIAL TAX

The Court, at the stage of admission, made the following:

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that pending appeals, application for stay was dismissed by the competent authority. We have gone through the record and heard learned Counsel for the parties. We feel that the interest of justice would have been met, if stay was granted pending appeals, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that 50% (fifty percent) of the disputed tax liability shall be paid by the petitioner within a period of eight (8) weeks. For eight weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeals, provided the amount is deposited within eight weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

(BILAL NAZKI, J)

3rd November, 2004.

(S.ANANDA REDDY, J)

Note:Issue wire at party's cost

B/o

Pvks

To

1 The Commercial Tax Officer, Market Street Circle, Secunderabad
2 The Deputy Commissioner (CT) Secunderabad Division, Hyderabad
3 The Additional Commissioner (CT) Legal Andhra Pradesh, Nampally,

Hyderabad

4 Two C.Cs to the G.P. for Commercial Taxes, High Court Buildings,

Hyderabad (OUT)

5 Two C.D copies.